IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.14378 of 1997

Dated: 19-01-2007

Between:

Muduganti Hanumantha Reddy,
S/o Chandra Reddy, aged about 37 years,
Business, r/o H.No.6-6-281,
Sharmanagar, Karimnaqgar town,
Karimnagar District.

... Petitioner

and

The Commissioner,
Karimnagar Municipality,
Karimnagar District.

... Respondent

ORDER:

This petition is filed questioning the records in Roc.No.G2/3094/97, dated 01-07-1997 of the respondent as arbitrary, illegal and violative of principles of natural justice and to quash the same.

2. In the affidavit filed in support of the petition, it is stated that petitioner purchased an area of 61.11 square yards out of an area of 586 square yards in Survey No.1482 of Karimnagar village, under a registered sale deed dated 11-04-1997 from one Dasari Vijaya and possession of the said area was also delivered to him on the same day. It is stated that when petitioner applied for construction of building in the said land, respondent vide proceedings in G2/3094/97, dated 24-06-1997 accorded permission. It is further stated that petitioner got commenced construction of the building on 24-06-1997 and when the construction work was going on, on 05-07-1997 at about 3-00 P.M, employees of the respondent Municipality came to the spot and instructed him not to proceed with the construction of the building by serving a copy of the order in Roc.No.G2/3094/97, dated 01-07-1997, whereby respondent cancelled the permission issued to him in his earlier proceedings No.G2/3094/97, dated 24-06-1997.

3. The grievance of petitioner is that respondent without giving any notice to petitioner and without giving any opportunity to him to represent his case, cancelled the proceedings No.G2/3094/97, dated 24-06-1997.

4. Heard learned counsel for the parties.

5. May be it is a fact that the vendor of petitioner is not having any title and the title did not pass on to petitioner herein, but thinking that petitioner is the absolute owner, respondent had granted permission vide proceedings No.G2/3094/97, dated 24-06-1997, permitting him to construct the house and subsequently without issuing any notice, the said permission was cancelled vide proceedings No.G2/3094/97,

dated

01-07-1997, which in my considered view is definitely contrary to the established principles of natural justice. Any person shall not be condemned unheard. In the instant case even if it is presumed that petitioner is not having any title, having permitted him to construct the house, respondent authority should not have cancelled the same without issuing any notice. Apart from that, according to learned counsel for petitioner, when the impugned order was questioned, this Court suspended the said order and subsequently the said order was confirmed by a Division Bench of this Court in W.A.M.P.No.868 of 1997 and W.V.M.P.No.1172 of 1997 in W.A.No.504 of 1997 on 16-04-2003. Hence, this Court is of the view that the very order is violative of principles of natural justice and accordingly the proceedings No.G2/3094/97, dated

01-07-1997 are hereby set aside.

6. Accordingly, writ petition is allowed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.19-01-2007
GLV